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Attorneys for Defendants

Avison Young (Canada) Inc., Avison Young

(USA) Inc., Avison Young-Nevada, LLC,

Mark Rose, Joseph Kupiec,

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP, INC., G&E ACQUISITION
COMPANY, LLC, and BGC REAL ESTATE OF
NEVADA, LLC,

) CASE NO.: 2:15-cv-00531-RFB-GWF

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)

) **DEFENDANTS' UNOPPOSED**
) **MOTION TO FILE RESPONSE TO**
) **PLAINTIFF'S MOTION FOR**
) **SUMMARY JUDGMENT IN**
) **EXCESS OF THIRTY PAGES**

AVISON YOUNG (CANADA) INC.; AVISON
YOUNG (USA) INC.; AVISON YOUNG -
NEVADA, LLC, MARK ROSE, THE NEVADA
COMMERCIAL GROUP, JOHN PINJUV, and
JOSEPH KUPIEC; DOES 1 through 5; and ROE
BUSINESS ENTITIES 6 through 10

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Pursuant to Local Rules LR 7-1, Defendants Avison Young (Canada) Inc., Avison

Young (USA) Inc., Avison Young – Nevada, LLC, Mark Rose, and Joseph Kupiec

(“Defendants”), respectfully request permission to file a response to motion for summary

judgment that exceeds the 30-page limit set forth in LR 7-1(a). Defendants submit that there is

good cause for enlargement, as outlined in the Declaration of Nathaniel Kritzer that follows.

DECLARATION OF NATHANIEL KRITZER

I, NATHANIEL KRITZER, declare as follows:

1. I am an attorney duly licensed and admitted to practice before the courts of the state of New York. I am admitted pro hac vice in this matter. I am a partner at Steptoe & Johnson, LLP and am representing the Defendants in this matter.

2. I make this declaration in support of Defendants' Motion for Leave to File Response to Plaintiff's Motion for Summary Judgment in Excess of Thirty Pages. Based on my review of the files and records in this case, I have personal knowledge of the contents of this declaration and could testify thereto.

3. Plaintiffs' Second Amended Complaint contains five different causes of action alleged against the Defendants: a breach of contract claim alleged against Mr. Kupiec; a tortious interference with contract and aiding and abetting breach of fiduciary duty claims alleged against Mr. Rose and the Avison Young entities; and trade secret misappropriation and conspiracy claims alleged against all Defendants.

4. Plaintiff filed their comprehensive Motion for Summary Judgment on Liability [ECF No. 624] seeking summary judgment their five causes of action. Plaintiffs attached 181 exhibits spanning many hundreds of pages to their Motion for Summary Judgment. The large number of exhibits contributes to the need for a brief that exceeds the page limit in LR 7-1. In order to adequately respond to Plaintiff's arguments and exhibits, Defendants request permission to file a 40-page response to Plaintiffs' Motion for Summary Judgment on Liability [ECF No. 624].

5. Courts in this district have found good cause to allow excess pages in similar situations. *F.T.C. v. Ivy Cap., Inc.*, No. 2:11-CV-283 JCM GWF, 2012 WL 4482796, at *2 (D. Nev. Sept. 27, 2012) (finding good cause for an oversize brief where a party filed one lengthy summary judgment brief instead of multiple briefs, which the court noted "would lead to inefficiencies and disjointed litigation."); *Trina Solar US, Inc. v. Carson-Selman*, No. 220CV1308JCMBNW, 2020 WL 7338552, at *2 (D. Nev. Dec. 14, 2020) (finding good cause to grant motion to exceed page limit where case involved "numerous legal and procedural items" and multiple proceedings spanning multiple jurisdictions).

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6. As such, Defendants respectfully request that this Court allow them to file a 40-page response, excluding exhibits, to Plaintiff's Motion for Summary Judgment on Liability [ECF. No. 624]. Plaintiffs do not oppose Defendants' request.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct.

Executed this 25th Day of May, 2023, in New York, New York.

/s/ Nathaniel Kritzer
Nathaniel Kritzer

Based on the foregoing Declaration, Defendants request the Court grant this unopposed Motion for excess pages for their forthcoming summary judgment motion.

DATED: May 23, 2023


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APPROVED:

DATED this 31st day of May, 2023.

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RICHARD F. BOULWARE, II
United States District Judge

Attorneys for Defendants Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison Young-Nevada LLC, Mark Rose, and Joseph Kupiec

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 2023, and pursuant to Fed. R. Civ. Pro. 5, I served via CM/ECF, a true and correct copy of the foregoing **DEFENDANTS' UNOPPOSED MOTION TO FILE RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IN EXCESS OF THIRTY PAGES** was served upon those persons designated by the parties in the E-Service Master List upon the following:

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